

U.S. District Court
Middle District of Florida (Jacksonville)
CIVIL DOCKET FOR CASE #: 3:17-cv-00777-MMH-JRK

Clay v. Department of the Navy
Assigned to: Judge Marcia Morales Howard
Referred to: Magistrate Judge James R. Klindt
Cause: 05:0552 Freedom of Information Act

Date Filed: 07/10/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Jeffrey S. Clay

represented by **Jeffrey S. Clay**
20190006953
Duval County Jail
500 E. Adams Street
Jacksonville, FL 32202
PRO SE

V.

Defendant

Department of the Navy

represented by **Sean Michael Powers**
US Attorney's Office – FLM
Suite 700
300 N Hogan St
Jacksonville, FL 32202
904/301-6254
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/10/2017	<u>1</u>	COMPLAINT titled Judicial Review of FOIA Request denial for Appeal, DON-NAVY-2017-003989, March 14, 2017 against Department of the Navy filed by Jeffrey S. Clay (no IFP received, no service copies).(JSG) Modified text on 4/10/2018. ***STRICKEN pursuant to Order <u>20</u> (BD). (Entered: 07/12/2017)
07/18/2017	<u>2</u>	NOTICE of designation under Local Rule 3.05 – track 1. Signed by Deputy Clerk on 7/18/2017. (Attachments: # <u>1</u> Consent Letter and Form)(JW) (Entered: 07/18/2017)
07/18/2017	<u>3</u>	ORDER directing Clerk to send Plaintiff the Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form); directing Plaintiff to complete and file the Application by 8/18/2017, or alternatively, pay the filing fee by that date. Signed by Magistrate Judge James R. Klindt on 7/18/2017. (KAW) (Entered: 07/18/2017)
08/03/2017	<u>4</u>	RESPONSE (Untitled) to <u>3</u> Order directing compliance filed by Jeffrey S. Clay. (Attachments: # <u>1</u> Exhibit 1)(BD) (Entered: 08/04/2017)
08/03/2017	<u>5</u>	MOTION for leave to proceed in forma pauperis/affidavit of indigency by Jeffrey S. Clay. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 – Inmate Account)(BD) Motions referred to Magistrate Judge James R. Klindt. (Entered: 08/04/2017)
10/11/2017	<u>6</u>	ORDER TO SHOW CAUSE by November 3, 2017 as to why this case should not be dismissed without prejudice to refiling in the proper district. Signed by Magistrate Judge James R. Klindt on 10/11/2017. (BHC) (Entered: 10/11/2017)
10/23/2017	<u>7</u>	RESPONSE TO ORDER TO SHOW CAUSE re <u>6</u> Order to show cause filed by Jeffrey S. Clay. (BD) (Entered: 10/23/2017)

11/09/2017	<u>8</u>	ORDER directing Plaintiff, by 12/11/2017, to submit the required statements reflecting the receipts, expenditures, and balances in his institutional account during the six months prior to the filing of the Complaint. Signed by Magistrate Judge James R. Klindt on 11/9/2017. (BHC) (Entered: 11/09/2017)
12/08/2017	<u>9</u>	MOTION (Untitled) for Extension of Time re: <u>8</u> Order by Jeffrey S. Clay. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(BD) (Entered: 12/08/2017)
12/11/2017	<u>10</u>	ORDER granting the <u>9</u> Motion for Extension of Time. Plaintiff shall have up to and including 01/11/2018 to submit the required statements reflecting the deposits, expenses, and balances in his institutional account during the six months prior to the filing of the Complaint. Signed by Magistrate Judge James R. Klindt on 12/11/2017. (BHC) (Entered: 12/11/2017)
01/02/2018	<u>11</u>	RESPONSE (Untitled) re <u>10</u> Order on motion to extend time, <u>5</u> MOTION for leave to proceed in forma pauperis/affidavit of indigency. filed by Jeffrey S. Clay. (Attachments: # <u>1</u> Exhibit Inmate Account Statement)(BD) (Entered: 01/02/2018)
01/02/2018	<u>12</u>	NOTICE (Untitled) of Filing Supporting Documents to <u>1</u> Complaint (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12) (No service copies) (BD) (Entered: 01/02/2018)
01/18/2018	<u>13</u>	NOTICE (Untitled) of Filing Inmate Trust Fund Statements by Jeffrey S. Clay re <u>10</u> Order on motion to extend time (Attachments: # <u>1</u> Exhibit Inmate Account Statement)(BD) (Entered: 01/18/2018)
02/01/2018	<u>14</u>	NOTICE to the Court by Jeffrey S. Clay (Attachments: # <u>1</u> Exhibit 1)(BD) (Entered: 02/02/2018)
02/05/2018	<u>15</u>	ORDER re <u>14</u> Notice to the Court; if Plaintiff is satisfied that he has received the information he requested through the Freedom of Information Act request that is at issue in this matter, Plaintiff may elect to voluntarily dismiss this case by filing a notice of dismissal; to the extent Plaintiff seeks to challenge his state conviction, Plaintiff must first exhaust his state court remedies before he can file a § 2254 habeas corpus petition in this Court challenging his conviction. Signed by Magistrate Judge James R. Klindt on 2/5/2018. (BHC) (Entered: 02/05/2018)
02/20/2018	<u>16</u>	RESPONSE to <u>15</u> Court Order filed by Jeffrey S. Clay. (Attachments: # <u>1</u> Exhibit 1)(BD) (Entered: 02/22/2018)
03/30/2018	<u>17</u>	NOTICE by Jeffrey S. Clay (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(BD) (Entered: 04/02/2018)
04/05/2018	<u>18</u>	ORDER granting <u>5</u> Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs to the extent that the case may proceed without the prepayment of the filing fee; setting out directions for payment of the filing fee as funds become available in Plaintiff's prison account; directing the Clerk of Court to mail copies of the Order to the address listed in the Order; directing the Clerk of Court to send Plaintiff a blank summons that Plaintiff shall complete and return to the Clerk's Office by 05/07/2018. SEE ORDER FOR DETAILS. Signed by Magistrate Judge James R. Klindt on 4/4/2018. (BHC) (Entered: 04/05/2018)
04/05/2018	<u>19</u>	ORDER advising Plaintiff of some of his responsibilities as a pro se litigant; directing Plaintiff to review and comply with the provisions of this Order, as well as the Federal Rules of Civil Procedure, Local Rules of the Middle District of Florida, and any applicable statutes and regulations. Signed by Magistrate Judge James R. Klindt on 4/4/2018. (BHC) (Entered: 04/05/2018)
04/09/2018	<u>20</u>	ORDER striking <u>1</u> Letter re Judicial Review. Plaintiff shall have up to and including May 11, 2018, to file a proper complaint. See Order for details. Signed by Judge Marcia Morales Howard on 4/9/2018. (MHM) (Entered: 04/09/2018)
04/13/2018	<u>21</u>	NOTICE of Inquiry by Jeffrey S. Clay (BD) (Entered: 04/13/2018)
04/23/2018	<u>22</u>	NOTICE of Action by Jeffrey S. Clay (Attachments: # <u>1</u> Exhibit 1)(BD) (Entered: 04/25/2018)

05/09/2018	<u>23</u>	SUMMONS issued as to Department of the Navy. (BD) (Entered: 05/09/2018)
05/09/2018	<u>24</u>	AMENDED COMPLAINT against Department of the Navy filed by Jeffrey S. Clay.(BD) (Entered: 05/09/2018)
05/18/2018		FEES paid by Jeffrey S. Clay (Filing fee \$60.00 receipt number JAX027829) (AEJ) (Entered: 05/18/2018)
06/21/2018		FEES paid by Jeffrey S. Clay (Filing fee \$80.00 receipt number JAX028159) (AFC) (Entered: 06/22/2018)
07/19/2018	<u>25</u>	RETURN of service executed on 6/5/2018 by Jeffrey S. Clay as to Department of the Navy. (BD) (Entered: 07/19/2018)
07/25/2018		FEES paid by Jeffrey S. Clay (Filing fee \$80.00 receipt number JAX028474) Paid on 7/23/2018. (AFC) (Entered: 07/25/2018)
08/22/2018	<u>26</u>	ORDER directing Plaintiff to effect service of process on the United States as set forth in Rule 4(i)(1), Federal Rules of Civil Procedure, no later than 9/28/2018. Signed by Magistrate Judge James R. Klindt on 8/22/2018. (BHC) (Entered: 08/22/2018)
08/29/2018		FEES paid by Jeffrey S. Clay (Filing fee \$90.00 receipt number JAX028806) – Paid on 8/27/2018 (AFC) (Entered: 08/29/2018)
09/17/2018	<u>27</u>	NOTICE of Compliance by Jeffrey S. Clay re <u>26</u> Order pdf (Attachments: # <u>1</u> Exhibit 1)(BD) (Entered: 09/17/2018)
09/26/2018		FEES paid by Jeffrey S. Clay (Filing fee \$40.00 receipt number JAX029066) (AFC) (Entered: 09/26/2018)
10/10/2018	<u>28</u>	ORDER directing Plaintiff to complete effecting service of process on the United States as set forth in Rule 4(i)(1)(A), Federal Rules of Civil Procedure no later than 11/9/2018. Signed by Magistrate Judge James R. Klindt on 10/10/2018. (BHC) (Entered: 10/10/2018)
10/29/2018	<u>29</u>	PROOF of service on 10/25/2018 as to the U.S. Attorney by Jeffrey S. Clay (Attachments: # <u>1</u> Exhibit 1)(BD) (Entered: 10/29/2018)
12/12/2018	<u>30</u>	MOTION for More Definite Statement by Department of the Navy. (Powers, Sean) (Entered: 12/12/2018)
01/02/2019	<u>31</u>	ORDER directing Plaintiff to file a response to the <u>30</u> United States' Motion for a More Definite Statement; Plaintiff shall have up to and including 1/11/2019 to file a response to the Motion, failing which the Court may treat the Motion as unopposed. Signed by Magistrate Judge James R. Klindt on 1/2/2019. (BHC) (Entered: 01/02/2019)
01/07/2019	<u>32</u>	RESPONSE to <u>30</u> MOTION for More Definite Statement filed by Jeffrey S. Clay. (BD) (Entered: 01/07/2019)
04/30/2019	<u>33</u>	ORDER granting <u>30</u> United States' Motion for a More Definite Statement; Plaintiff has up to and including 6/6/2019, to file a Second Amended Complaint setting forth a more definite statement of the facts regarding the allegedly denied FOIA requests. SEE ORDER FOR DETAILS. Signed by Magistrate Judge James R. Klindt on 4/30/2019. (BHC) (Entered: 04/30/2019)
05/22/2019	<u>34</u>	MOTION for Extension of Time re <u>1</u> Complaint by Jeffrey S. Clay. (Attachments: # <u>1</u> Envelope)(BD) (Entered: 05/22/2019)
05/22/2019	<u>35</u>	RESPONSE to Motion re <u>34</u> MOTION for Extension of Time to Amend re <u>1</u> Complaint filed by Department of the Navy. (Powers, Sean) (Entered: 05/22/2019)
05/23/2019	<u>36</u>	ORDER granting <u>34</u> Plaintiff's Motion for Extension of Time; Plaintiff shall have up to and including 6/24/2019 to file a Second Amended Complaint setting forth a more definite statement of the facts regarding the allegedly denied FOIA requests. Signed by Magistrate Judge James R. Klindt on 5/23/2019. (BHC) (Entered: 05/23/2019)

06/03/2019	<u>37</u>	NOTICE of Action by Jeffrey S. Clay (BD) (Additional attachment(s) added on 6/3/2019: # <u>1</u> Envelope) (BD). (Entered: 06/03/2019)
06/24/2019	<u>38</u>	SECOND MOTION for Extension of Time by Jeffrey S. Clay. (BD) (Entered: 06/24/2019)
07/11/2019	<u>39</u>	ORDER granting <u>38</u> Plaintiff's Second Motion for Extension of Time to the extent that Plaintiff shall have up to and including 8/30/2019 to file a Second Amended Complaint setting forth a more definite statement of the facts regarding the allegedly denied FOIA requests. Signed by Magistrate Judge James R. Klindt on 7/11/2019. (BHC) (Entered: 07/11/2019)
08/13/2019	<u>40</u>	NOTICE of Acton by Jeffrey S. Clay (Attachments: # <u>1</u> Exhibit 1)(BD) (Entered: 08/13/2019)